

**United States District Court**  
**District of Utah**

17 OCT 01 PM 2:42

DISTRICT OF UTAH

**UNITED STATES OF AMERICA**

**vs.**

**JUDGMENT IN A CRIMINAL CASE**

(For Offenses Committed On or After November 1, 1987)

**Lyle John Hubbard**

Case Number: **2:01-CR-00034-001 W**

Plaintiff Attorney: **Michele Christiansen, AUSA**

Defendant Attorney: **Paul Grant**

Atty: CJA \_\_\_ Ret ☒ FPD \_\_\_

Defendant's Soc. Sec. No.: **529-35-7776**

Defendant's Date of Birth: **July 9, 1967**

**October 15, 2001**

Date of Imposition of Sentence

Defendant's USM No.: **08537-081**

Defendant's Residence Address:

Defendant's Mailing Address:

**1601 West 400 South #36**

**1601 West 400 South #36**

**Salt Lake City, UT 84104**

**Salt Lake City, UT 84014**

Country **USA**

Country **USA**

THE DEFENDANT:

COP **05/04/01** Verdict

☒ pleaded guilty to count(s)

**1 of the Indictment.**

☐ pleaded nolo contendere to count(s)  
which was accepted by the court.

☐ was found guilty on count(s)

**Title & Section**

**Nature of Offense**

**Count**

**Number(s)**

**18 U.S.C. §2422(b)**

**Coercion and Enticement for Illegal Sexual Activity**

**1**

Entered on docket

**10-18-01** by:

**Deputy Clerk**

☐ The defendant has been found not guilty on count(s)

☐ Count(s) (is)(are) dismissed on the motion of the United States.

**SENTENCE**

Pursuant to the Sentencing Reform Act of 1984, it is the judgment and order of the Court that the defendant be committed to the custody of the United States Bureau of Prisons for a term of

**5 months in custody and 5 months home confinement**

Upon release from confinement, the defendant shall be placed on supervised release for a term of  
**36 months**

☐ The defendant is placed on Probation for a period of  
The defendant shall not illegally possess a controlled substance.

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*For offenses committed on or after September 13, 1994:*

The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as directed by the probation officer.

- ☐ The above drug testing condition is suspended based on the court's determination that the defendant possesses a low risk of future substance abuse. (Check if applicable.)

### **SPECIAL CONDITIONS OF SUPERVISED RELEASE/PROBATION**

In addition to all Standard Conditions of (Supervised Release or Probation) set forth in PROBATION FORM 7A, the following Special Conditions are imposed: (see attachment if necessary)

1. The defendant shall not use or possess alcohol.
2. The defendant will submit to drug/alcohol testing and pay an initial \$115 fee and additional costs associated with confirmation testing of positive results.
3. The defendant shall participate in a sex offender treatment program as directed by the U.S. Probation Office and comply with the prescribed treatment regimen.
4. The defendant is restricted from visitation with individuals who are under 18 years of age without adult supervision as approved by the U.S. Probation Office.
5. The defendant shall refrain from incurring new credit charges or opening additional lines of credit, unless he is in compliance with the established payment schedule and obtains approval by the U.S. Probation Office.
6. The defendant shall provide the probation officer access to all requested financial information.
7. The defendant shall abide by the following occupational restrictions: he shall not be employed in a context that will place him in unsupervised contact with juveniles.
8. The defendant shall submit his person, residence, office, or vehicle to a search, conducted by a U.S. Probation Officer at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release; failure to submit to a search may be grounds for revocation; the defendant shall warn any other residents that the premises may be subject to searches pursuant to this condition.

### **CRIMINAL MONETARY PENALTIES**

#### **FINE**

The defendant shall pay a fine in the amount of \$ 2,000.00 , payable as follows:

☐ forthwith.

☐ in accordance with the Bureau of Prison's Financial Responsibility Program while incarcerated and thereafter pursuant to a schedule established by the U.S. Probation office, based upon the

defendant's ability to pay and with the approval of the court.

☒ in accordance with a schedule established by the U.S. Probation office, based upon the defendant's ability to pay and with the approval of the court.

☐ other:

☐ The defendant shall pay interest on any fine more than \$2,500, unless the fine is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f).

☒ The court determines that the defendant does not have the ability to pay interest and pursuant to 18 U.S.C. § 3612(f)(3), **it is ordered that:**

☒ The interest requirement is waived.

☐ The interest requirement is modified as follows:

### RESTITUTION

The defendant shall make restitution to the following payees in the amounts listed below:

<u>Name and Address of Payee</u>	<u>Amount of Loss</u>	<u>Amount of Restitution Ordered</u>
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Totals: \$ \_\_\_\_\_ \$ \_\_\_\_\_

(See attachment if necessary.) All restitution payments must be made through the Clerk of Court, unless directed otherwise. If the defendant makes a partial payment, each payee shall receive an approximately proportional payment unless otherwise specified.

☐ Restitution is payable as follows:

☐ in accordance with a schedule established by the U.S. Probation Office, based upon the defendant's ability to pay and with the approval of the court.

☐ other:

☐ The defendant having been convicted of an offense described in 18 U.S.C. § 3663A(c) and committed on or after 04/25/1996, determination of mandatory restitution is continued until \_\_\_\_\_ pursuant to 18 U.S.C. § 3664(d)(5) (not to exceed 90 days after sentencing).

☐ An Amended Judgment in a Criminal Case will be entered after such determination

### SPECIAL ASSESSMENT

The defendant shall pay a special assessment in the amount of \$ 100.00, payable as follows:

☒ forthwith.

☐ \_\_\_\_\_

**IT IS ORDERED** that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid

### PRESENTENCE REPORT/OBJECTIONS

The court adopts the factual findings and guidelines application recommended in the presentence report except as otherwise stated in open court.

### RECOMMENDATION

☒ Pursuant to 18 U.S.C. § 3621(b)(4), the Court makes the following recommendations to the Bureau of Prisons:

**The Court strongly recommends that the defendant serve the 5 months of incarceration in the Cornell Community Correction Center with release for employment and release privileges for other purposes deemed appropriate by the U.S. Probation Office. While on home confinement, the defendant shall be allowed release for therapy, medical needs, employment and any other reason deemed appropriate by the U.S. Probation Office.**


### CUSTODY/SURRENDER

☐ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district at \_\_\_\_\_ on \_\_\_\_\_.

☒ The defendant shall report to the institution designated by the Bureau of Prisons by 12:00 p.m. Institution's local time, on 10/22/2001.

DATE: 10-16-01

  
\_\_\_\_\_  
David K. Winder  
United States District Judge

RETURN

I have executed this judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_ , with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_  
Deputy U.S. Marshal

tsi

United States District Court  
for the  
District of Utah  
October 18, 2001

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:01-cr-00034

True and correct copies of the attached were either mailed or faxed by the clerk to the following:

Jason Paul Perry, Esq.  
UTAH ATTORNEY GENERAL'S OFFICE  
236 STATE CAPITOL  
SALT LAKE CITY, UT 84114  
JFAX 9,5381699

Mr. Paul M. Grant, Esq.  
1894 S MAIN  
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,  
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DISTRICT OF UTAH  
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